IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 20362 of 2003

Between:

M.A. Khader Mohiddin, S/o. Late M.A. Sattar, Attender,
Junior Civil Judge Court, Bitchkunda,
Nizamabad District.

..... PETITIONER

AND

1 The District & Sessions Judge,
Nizamabad.
2 The Junior Civil Judge,
Bitchkunda, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be

pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the applicant petitioner for promotion to the post of LDC/Bailiff/Typist/Copyist in the existing vacancies without reference to the pendency of disciplinary case against the petitioner, as illegal, arbitrary, unjust and consequently direct the respondents to consider the case of the petitioner for promotion to post of LDC/Bailiff/Typist/Copyist in the existing vacancies without reference to the pendency of disciplinary case against applicant petitioner.

Counsel for the Petitioner : MR.Y.S.VENKATA RAO

Counsel for the Respondents : MR. C.V. NAGARJUNA REDDY (SC FOR APHC).

The Court made the following :

ORAL ORDER:

(per Hon'ble The Acting Chief Justice)

…..

The grievance of the petitioner is that he has not been considered for promotion because some enquiry was pending. In the counter-affidavit it has been stated by the District Judge that there are many persons who are senior to the petitioner. Therefore he could not be promoted. At page 4 in para 2 of the counter, it is specifically stated that the promotion was not ignored, refused or denied to the petitioner on the ground that a disciplinary enquiry was pending against him. Under these circumstances, we do not find any merit in this writ petition. Accordingly W.P. is dismissed. However, if the petitioner has any grievance, he may make a representation to the District Judge who may consider the same in accordance with law. No costs.

BILAL NAZKI. ACJ.,

GOPALA KRISHNA TAMADA. J.,

Dated: 15.04.2005.

VRK.

To

1 The District & Sessions Judge,
Nizamabad.
2 The Junior Civil Judge,
Bitchkunda, Nizamabad District.

3. Two CD copies.

*Form-NIC-OGS/WP{**KRD**}*

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

GOPALA KRISHNA TAMADA.

W.P.NO. 20362 OF 2003.

(Order of the Bench delivered by

Hon'ble The Acting Chief Justice)

Dt: 15.04.2005.